

STRATEGIC LITIGATION PROCESS FOR THE RIGHT TO ORGANIZE
THE *BALTIC PRIDE 2013* MARCH FOR EQUALITY

DOCUMENTATION REPORT



2013



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The opinions expressed in the publication do not necessarily reflect the official position of the supporters.

An open, harmonious and fair society is a European value, and therefore there is a general consensus of modern democratic States' community. In Lithuania certain groups still face stigmatization, intolerance and passive (sometimes active) isolation.

The aspiration is education of an open society and pluralism, and integration of diverse social groups into society. In order to reach these goals the one has to put in maximum efforts. The right to freedom of peaceful assembly is a constitutional value of extreme importance, because this right is directly related to the above mentioned goals, active participation in public life, and spread of different ideas. The State has a duty not to limit and not to restrict this freedom if it does not have legal grounds and conditions; on the contrary – it has an obligation to assist in implementing this fundamental right. Life in a modern democratic society is not some sort of spontaneous privilege. Democracy is a value that is priceless, and we do not calculate how much and for whom will we have to pay for the fact that we live and want to live in a democratic legal State. Due to the fact that the State and the society sometimes are not willing to accept pluralistic tendencies within the community, there is a necessity for more vulnerable social groups to fight for their rights and prove for the guarantees, which are accepted and undisputed in the case of the majority per se. However regrettably it would be, but today the LGBT social group must ask for the help of the court in order to defend the important right to freedom of assembly and self-expression.

The legal dispute between the Lithuanian Gay League (LGL) and the Vilnius City Municipality Administration concerning the location of the Baltic Pride 2013 March for Equality is a strategic litigation case, the purpose of which is not only to ensure the application of the new edition of the Law on Public Meetings adopted in 2012, but also to ensure the effective exercise of the right to freedom of peaceful assembly for all groups of society without any discrimination.

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STAGE I:

THE COORDINATION PROCESS OF LGL'S NOTIFICATION ON THE PLANNED ASSEMBLY WITH THE VILNIUS CITY MUNICIPALITY ADMINISTRATION

1. The most significant events within the chronological timeline:

5 December 2012 – the Board meeting of the Lithuanian Gay League (hereinafter - LGL) took place, where it was decided about the estimated date for submitting the notification on the Baltic Pride 2013 March for Equality (hereinafter – the March) to the Vilnius City Municipality Administration, and the Baltic Pride 2013 organizational plans and possible litigation strategies were discussed.

8 January 2013 – the Board meeting of the LGL took place, where the Baltic Pride 2013 organizational plans were approved, and the final decisions were taken regarding the route of the March for Equality and the date for submitting the notification on the Baltic Pride 2013 March for Equality to the Vilnius City Municipality Administration was set.

11 January 2013 – the notification on the organization of the March on 27 July 2013 at Gedimino Avenue was submitted the Vilnius City Municipality Administration.

16 January 2013 – a meeting among the representatives of LGL, Vilnius City Municipality Administration and the representatives of the Police Department took place at the Vilnius City Municipality concerning the coordination of the notification on the March.

18 January 2013 – LGL received a letter by the Vilnius City Municipality Administration, in which a route different from the one proposed by LGL is unilaterally established, i.e. the March is authorized on Upės Street.

23 January 2013 – LGL submitted a request to the Vilnius City Municipality Administration due to repeated coordination of notification of 11 January 2013, taking into account procedural violations that were made.

11 February 2013 – LGL received a letter by the Vilnius City Municipality Administration, where it was noted that the approach by the Vilnius City Municipality Administration towards the position on the location of the March had not changed, and in which it was decided that there is no reason for reconsidering the LGL's notification on the planned assembly and, in case the organization does not agree with the decision by the Vilnius City Municipality Administration, the right to apply before the national courts was clarified.

2. The description of the most significant events of the stage and arguments by the disputing parties in strategic litigation process:

By the notification of 11 January 2013 on organization the March in accordance with Article 6, Part 2 of the Law on Public Meetings of the Republic of Lithuania LGL informed the Vilnius City Municipality Administration about (1) the expected date and time of the March for Equality, i.e. on

27 July 2013 (on Saturday), 1 PM, (2) the route of the March, i.e. Odminių str. – Šventaragio str. – Gedimino Avenue – Lukiškių Square, (3) the preliminary programme of the March, (4) estimated number of participants in the March, i.e. 800, (5) described the concept and goals of the event, (6) set out the request to the Police with regards to maintaining public order, (7) submitted the contact details of the event's organizers, and also indicated other relevant circumstances according to the Law on Public Meetings.

On 16 January 2013 a meeting among the representatives of LGL, Vilnius City Municipality Administration and the representatives of the Police Department took place at the Vilnius City Municipality concerning the coordination of the LGL's notification on the planned event. The bailiff Rimantas Vižainiškis recorded the process of the meeting.

The following arguments were stated by the representatives of the Municipality Administration and the Police Department in the course of the meeting:

1. The Deputy Director of the Vilnius City Municipality Administration Ritas Vaiginas pointed out that due to the big number of commercial establishments on Gedimino Avenue, organizing the march on this location may infringe upon the economic interests of the third parties.

2. Mr. Vaiginas drew attention to the fact that such event can cause some people's discontent, therefore the marchers could be put in danger. He also stressed that on Gedimino Avenue there are tall buildings and structures from which 'various objects could be possibly thrown', causing an additional threat to the safety of participants in the march.

3. In this context, advantages of the route along Upės str. were named; according to the representatives of the Municipality, this is precisely where many public events are organized and usually event organizers are satisfied with the location. LGL was also proposed to change the form of the event, i.e. to organize a meeting or a rally instead of a march.

4. The spokesman Vytautas Grašys from the Police Department explained that the police did not claim that it was impossible to ensure the safety of participants in the march on Gedimino Avenue, but it would require taking additional measures and it would be a more expensive and it would demand larger input from law-enforcement officials.

Arguments by LGL, stated in the course of the meeting:

1. LGL Board Chair Vladimir Simonko explained that when a similar march was organized in 2010, the organization was not satisfied with the route proposed by the municipality, i.e. down the Upės str., and therefore received a lot of criticism concerning the location of the march.

2. Mr. Simonko stressed that it was allowed to organize meetings for different social groups of citizens of the Republic of Lithuania on Gedimino Avenue, and hence LGL wanted the same rights as other citizens organizing peaceful assemblies on Gedimino Avenue.

3. Mr. Simonko reported to the commission that for organizing the Baltic Pride March for Equality in Riga in 2012, the Riga City Municipality provided the organizers of the march with the possibility of organizing the march on the main streets of the city of Riga. Furthermore, similar marches along the main streets of cities were organized in other countries as well.

At the end of meeting, LGL representatives were informed that a decision on the notification will be delivered on 16 January 2013, and LGL would be informed about that decision in writing.

On 18 January 2013 LGL was issued with the Order by the Vilnius City Municipality Deputy Director of 16 January 2013 No. A30-51 "On the March Organized by the Association of Lithuanian Gay League", by which the unilaterally altered route of the march organized by LGL on 27 July 2013 between 1PM and 4 PM was established, i.e. participants would gather at the parking lot near the sports, entertainment and business center Forum Palace and proceed down Upės Street up to the parking lot near the Radisson Blu hotel.

On 23 January 2013 LGL submitted a request to the Vilnius City Municipality Administration for the repeated coordination of the notification of 11 January 2013 on the March for Equality, taking into consideration procedural violations in the course of passing the Order No. A30-51 of 16 January 2013, "On the March Organized by the Association Lithuanian Gay League", in which it had set out the following key arguments and requests:

1. By refusing to issue the document according to the details in the notification on the planned assembly (in this case unilaterally relocating the planned event), the Municipality violated the Law on Public Meetings, because the Law on Public Meetings establishes notification and not authorization procedure with regards to the public meetings. The Municipality cannot on its own initiative determine another meeting location if the one, selected by organizers, does not violate legal requirements.

2. Unilateral relocation of the march prevented the possibility for LGL to exercise the constitutional right to freedom of peaceful assembly effectively, and this interference is neither proportionate nor necessary in a democratic society. These actions by the municipality might imply discrimination on grounds of sexual orientation and gender identity, as the meeting location for other social groups at Gedimino Avenue were usually confirmed.

3. LGL requested to issue a coordination document with corresponding content accordingly to the notification of 11 January 2013, or if it were refused to do so, requested to indicate specific arguments and legal provisions, why the coordination document (in this case with regards to the location of the assembly) had not been issued.

On 11 February 2013 LGL received the letter by the Vilnius City Municipality of 23 January 2013 in which:

1. It was specified that the position by the Vilnius City Municipality Administration concerning the location of the march had not changed, i. e. arguments provided during the meeting

with LGL representatives, such as the security reasons, economic interests of the third parties and strategically more convenient location at Upės Street were repeated.

2. It was decided that there had been no reason to reconsider the LGL notification on the planned assembly and it is clarified that in case LGL does not agree with the decision by the Vilnius City Municipality Administration, it may appeal before the national courts.

3. Results, achieved objectives, adopted decisions and formulated legally relevant precedents of the stage:

- Desired place, time and location of the March for Equality were chosen and the strategy on preparing for the march (including the lawsuit) within the organization was adopted.
- Having evaluated the deadlines provided in the Law on Public Meetings, the date for submitting the notification on the planned march was chosen and the notification to the Vilnius City Municipality Administration was submitted.
- The principled position by the Vilnius City Municipality Administration concerning the March for Equality was clarified – it was suggested to organize the march on Upės street without proposing any other alternatives.

4. The most important documents of the stage:

- LGL's notification of 11 January 2013 on the organization of the March for Equality (4 pages);
- Minutes by the bailiff Rimantas Vižainiškis with regards to the Statement on Factual Circumstances (4 pages);
- Vilnius City Municipality Deputy Director's Order No. A30-51 of 16 January 2013 "On the March Organized by the Association Lithuanian Gay League" (2 pages);
- LGL Request No. LGL-201301232 of 23 January 2013 with regards to the repeated coordination of notification of 11 January 2013 (2 pages);
- The letter No. A51-16548 of 11 February 2013 by the Vilnius City Municipality Administration (3 pages).

STAGE II:

THE FIRST LEGAL PROCESS BEFORE THE COURT OF FIRST INSTANCE WITH REGARDS TO THE ASSOCIATION LGL'S COMPLAINT CONCERNING THE ACTIONS BY THE VILNIUS CITY MUNICIPALITY ADMINISTRATION

(VILNIUS REGIONAL ADMINISTRATIVE COURT)

1. The most significant events within the chronological timeline:

15 February 2013 – LGL submitted a complaint before the Vilnius Regional Administrative Court concerning the repeal of that part of the Vilnius City Municipality Deputy Director's Order No. A30-51 of 16 January 2013 "On the March Organized by the Association Lithuanian Gay League", by which the location selected by the organizers of the assembly had not been agreed upon, and the obligation to remove the infringement.

27 March 2013 – The Vilnius Regional Administrative Court hearing concerning the repeal of the order's part and the obligation to perform actions (according to LGL's complaint on the actions by the Vilnius City Municipality Administration) took place.

11 April 2013 – the ruling by the Vilnius Regional Administrative Court by which the LGL's complaint was partially satisfied: the part of the Vilnius City Municipality Administration Deputy Director's order No. A30-51 "On the March Organized by the Association Lithuanian Gay League" of 16 January 2013 was annulled, in which it was indicated that the route of the march is "from the parking lot near the sports, entertainment and business center Forum Palace going down Upės Street to the parking lot near the Radisson Blu hotel", and the Vilnius City Municipality Administration was obliged to initiate coordination procedure with regards to the notification by the LGL of 11 January 2013 on the organization of the march anew.

2. The description of the most significant events of the stage and arguments by the disputing parties in strategic litigation process:

Arguments and requests by the applicant, i.e. LGL, which were presented to the Vilnius Regional Administrative Court:

1. The Law on Public Meetings of the Republic of Lithuania establishes the right for the organizers of a meeting to choose location for the planned meeting and does not establish the right for the municipal authorities to change location of the planned meeting unilaterally. A municipality cannot determine another location of a meeting on its own initiative if the location chosen by the organizers does not infringe upon the requirements provided by the law. One of the main principles presented and protected is that the right to freedom of peaceful assembly implies the freedom for the organizers of the meeting to choose location, time and form of the meeting. In case any of

these freedoms are being restricted or infringed upon in any other way, then the right to freedom of peaceful assembly is restricted and violated as such.

2. The Law on Public Meetings of the Republic of Lithuania establishes the duty for the State to guarantee safety and public order with regards both to society and to the participants of the assembly and there is no right to refuse to facilitate a peaceful assembly in the specified location based on the assumed inability to guarantee safety and public order. If the competent State or municipal institutions refuse to agree upon the location specified by the organizers of the planned assembly due to the fact that they cannot fulfill their statutory obligations, i.e. to secure interests and safety both of the participants and the general public, by that they acknowledge that effective implementation of the right to freedom of peaceful assemblies cannot be guaranteed in the Republic of Lithuania. That means that the State is not capable of fulfilling its constitutional duties and obligations according to the signed international treaties.

3. The specified location for the planned assembly is one of the central places of the city, where it is common to express different views and beliefs and to organize meetings in various forms. The planned meeting is devoted to the implementation of homosexual, bisexual and transgender people's rights, with the aim of drawing the attention of the State and society to this social group, its integration and social visibility in the Lithuanian society. Moving the meeting away from the central and the most visible part of the city of Vilnius contradicts the purpose of the meeting itself. Artificial creation of isolated spaces, prohibition to organize the meeting in chosen and commonly used public location for organizing various social events and meetings may imply violation of the principle of equal treatment with regard to those persons. Thereby it prevents LGL from exercising its constitutional right to freedom of peaceful assembly effectively. This interference is neither proportional nor necessary in a democratic society and, *inter alia*, it is not prescribed by law.

4. The actions by the municipality, by which the location of the planned march chosen and indicated by the organizers of the meeting was not coordinated, contradicts the Article 11 of the European Convention on Human Rights (ECHR), the Article 36 of the Constitution of the Republic of Lithuania, and the Article 7 of the Law on Public Meetings.

5. LGL asks the Court to annul the part of the order No. A30-51 of 16-01-2013 issued by the Deputy Director of the Vilnius City Municipality Administration "On the March Organized by the Association Lithuanian Gay League" to the extent to which the place of the assembly chosen by the organizers is not coordinated, to oblige the Vilnius City Municipality Administration immediately, but no later than three days before the date of the march indicated in the notification, to coordinate the specified location, i.e. from Odminių street through Gedimino Avenue towards Lukiškių Square.

The respondent, i.e. Vilnius City Municipality Administration, submitted the following arguments and requests:

1. The determination of the location of public assemblies is not an infringement upon the right to freedom of peaceful assembly. In order to protect participants' rights and freedoms, the State's and general public's security and public order, a more favorable location for organizing the march is on Upės Street, where the march was already organized by the applicant in 2010. Not only an alternative location for the planned march, but also a more favorable form for the event from

the point of view of public order and public security was proposed to the applicant, i.e. to hold a meeting or a protest in Lukiškių Square instead of the march.

2. Security of the general public and the participants of the march is going to be ensured by the disputed order. The Municipality did not prohibit the event itself and did not prevent the march from happening. The location of the march along Upės Street is in line with the requirements of public safety, public order and other people's rights and freedoms, taking into consideration the experience in the course of a similar march in 2010, when police was forced to use tear gas and take other preventive measures in order to prevent a riot. The State has not only an obligation to ensure safety of the general public and the security of the participants of the assembly, but also the duty to assess what measures are needed to ensure public safety and safety of the participants of the meeting in the location chosen by the organizer. In addition to this, the Municipality has to assess, whether the aims of the proposed assembly could be achieved by organizing it in another place of the city by demanding less resources.

3. The principle of proportionality between the measures adopted and the legitimate aims sought was maintained in adopting the challenged order. LGL's claims about discrimination are based on assumptions and subjective assessments, therefore they are considered to be ill-founded.

4. The Vilnius City Municipality Administration asks to dismiss the LGL's unsubstantiated complaint.

Arguments and requests by the third party concerned, i.e. by the Police Department under the Ministry of the Interior:

1. The Police Department supported the defendant's position, asked for the LGL's complaint to be dismissed as unfounded and pointed out that there are many residential buildings, offices and other premises on the Gedimino Avenue, all of which would need to be checked and controlled by police during the event. In addition, there is a risk that various items will be thrown from the roofs of these buildings and public transport will be disrupted. Upės Street and the area nearby is much more spacious than the Gedimino Avenue, therefore that location is more favorable for ensuring public order, there is more space for the deployment and maneuver of the police forces, part of the area is cordoned by a natural barrier, i.e. the river Neris, therefore there is no need to cordon off that part of the area. In this area there are also more natural barriers and buildings, which could potentially reduce the demand for the mobile fences. In addition to this, the area is favorable for organizing control points and checks.

2. While organizing the march on Upės Street, the functioning of shops, cafes, offices and other commercial establishments would be less disturbed. The police already have experience of ensuring safety of participants, public order and traffic operation in the course of this kind of event in this area.

3. Taking into account the experience of similar event in 2010 and obvious threat for both the participants of the march and individuals protesting against this event, it is agreed upon the location where the interests of the State, public security, public order, health and morals as well as rights and freedoms by other individuals could be protected as much as possible. The Municipality's decision on the location of the march is in line with the objective reasons, i.e. taking into consid-

eration such priority values as safety of the State, public security, public order, people's health and morals as well as rights and freedoms by other individuals.

The Vilnius Regional Administrative Court by decision of 11 April 2013 repealed the part of the Deputy Director's Order No. A30-51 "On the March Organized by the Association Lithuanian Gay League" of 16 January 2013 of the Vilnius City Municipality Administration, which indicates that the route of the march is "from the parking lot near the sports, entertainment and business center Forum Palace going down Upės Street to the parking lot near the Radisson Blu hotel", and the Vilnius City Municipality Administration was obliged to initiate coordination procedure with regards to the notification by the LGL of 11 January 2013 on the organization of the march anew.

The Court referred to the Part 1 of Article 11 of the Convention, which establishes that everyone has the right to freedom of peaceful assembly. The Part 2 of the Article mentioned establishes that no restrictions shall be placed on the exercise of this right other than such as are prescribed by law and are necessary in a democratic society in the interests of national security or public safety, for the prevention of disorder or crime, for the protection of health or morals or for the protection of the rights and freedoms of others<...>. The Court also referred to the Article 36 of the Constitution of the Republic of Lithuania, which provides that citizens may not be prohibited or hindered from assembling unarmed in peaceful meetings. This right may not be limited otherwise than prescribed by law and only in the instances when it is necessary to protect the national security, public safety, public order, health or morals, or the rights and freedoms of others.

The Court also referred to the ruling of 7 January 2000 of the Constitutional Court of the Republic of Lithuania, to the decision of 10 July 2012 of the European Court of Human Rights in case No. 34202/06 *Berladir v. Russia*, to the ruling in the civil case No. 3K-3-144/2011 of the Supreme Court of Lithuania of 4 April 2011 and to the Ruling in administrative case No. AS822-339/2010 of the Supreme Administrative Court of Lithuania of 7 May 2010. After summarizing this jurisprudence, the Court concluded that the freedom of right to peaceful assembly established in the Convention and the Constitution implies that the organizers themselves have the right to choose the location, where they want to publicly express their opinion and views. This is also foreseen in the Part 2 of the Article 2 of the Law on Public Meetings.

The Court noted that the third party concerned did not specify that it is impossible to ensure public safety of the participants of the march, national security, public order and traffic operation; it only pointed out towards a more favorable location for such operation (i.e. on Upės Street).

After analyzing the legal norms of the Law on Public Meetings of the Republic of Lithuania, the Court pointed out that only an agreed document can be signed, i.e. all three parties concerned, namely – the organizers of the assembly, the Director of Municipality Administration and a representative of the Police, have to agree upon a specific location for organizing an assembly and to reach this agreement by common agreement. The Court specified that the Law does not consider the possibility of signing a document as coordinated when one party does not agree upon the location being proposed. The Law does not foresee the possibility in the coordinated document to set the location for the assembly other than preferred by the organizers, as in that case the right to freedom of peaceful assembly would be violated. The Court agreed with the applicant's claim that the defendant cannot on its own initiative unilaterally change the location of the assembly or its route. If at least one of the parties does not agree upon the location specified or all the parties

cannot agree on another location proposed by common agreement, the Municipality should refuse to facilitate an assembly all together, which in turn could be appealed before the courts. To put it differently, there is no right to unilaterally select different location for the meeting on which the organizers of the meeting are not agreeing.

After examining the facts of the case and taking into consideration legal regulations in place, the Court stated that the defendant improperly concluded the procedure of coordination with regards to the applicant's notification on the planned assembly. When the location for the march suitable for all parties concerned is not agreed upon, the defendant should refuse to sign the notification on the assembly organized (only in case when legitimate aim of interfering with the right can be identified according to the Article 36 of the Constitution) all together. To put it in other words, there is no possibility for unilaterally altering the location of the event, when the applicant does not agree with the proposed modification. By applying before the defendant the applicant reasonably expected that its notification on the organization of the march will be agreed upon properly.

3. Results, achieved objectives, adopted decisions and formulated legally relevant precedents of the stage:

- In the context of the strategic litigation process a significant fact is the following – the march of the Nationalist Youth took place on Gedimino Avenue (on the same location, where the Baltic Pride 2013 March for Equality was requested to be held) on 11 March 2013 without the formally signed agreement between the organizers and the Municipality. The activities of this group, i.e. holding an unsanctioned march, were greeted by the Vilnius City Municipality afterwards, and the Mayor of Vilnius promised to agree upon the location for this march on Gedimino Avenue for next year.

- By partially accepting the LGL's complaint, the Court of First Instance essentially dismissed the arguments by the Vilnius City Municipality Administration on security concerns as a legitimate reason not to hold the march on the location requested by the organizers.

- The Court also emphasized that in the Republic of Lithuania the exercise of the right to freedom of peaceful assembly is implemented under the procedure of notification rather than of authorization and there is an obligation for the Municipality to agree or argumentatively (only by complying with the conditions set out in the Law) disagree upon location, time and form selected by the organizers. To put it in other words, the defendant's arguments about its competence to unilaterally make decisions were rebutted.

4. The most important documents of the stage:

- LGL's complaint on repealing the part of the Deputy Director's Order No. A30-51 of 16 January 2013 by the Vilnius City Municipality Administration "On the March Organized by the Association Lithuanian Gay League" to the extent on which it is not agreed upon with the organizers concerning the location of the event and the obligation to remove the infringement (7 pages without appendices);

- The response by the Vilnius City Municipality Administration to the complaint on repeal and the obligation to remove the infringement within the part of the Deputy Director's Order No. A30-51 of 16 January 2013 of the City of Vilnius Municipality Administration "On the March Organized by the Association Lithuanian Gay League" to the extent on which it is not agreed upon with the organizers concerning the location of the event in administrative case No. I-2457-208/2013 (8 pages without appendices);
- The response by the Police Department under the Ministry of the Interior to the Lithuanian Gay League's complaint (3 pages without appendices);
- The decision of 11 April 2013 by the Vilnius Regional Administrative Court in the administrative case No. I-2457-208/2013 (4 pages).

STAGE III:

THE PROCESS OF APPEAL BEFORE THE COURT OF THE SECOND INSTANCE BY THE VILNIUS CITY MUNICIPALITY ADMINISTRATION

(SUPREME ADMINISTRATIVE COURT OF LITHUANIA)

1. The most significant events within the chronological timeline:

24 April 2013 – appeal by the Vilnius City Municipality Administration concerning the Vilnius Regional Administrative Court’s decision of 11 April 2013 in the administrative case No.I-2457-208/2013.

20 June 2013 – ruling by the Supreme Administrative Court of Lithuania (SACL) in which the appeal by the Vilnius City Municipality Administration was dismissed and the decision of the Vilnius Regional Administrative Court of 11 April 2013 remained unchanged.

2. The description of the most significant events of the stage and arguments by the disputing parties in strategic litigation process:

The appellant, i.e. Vilnius City Municipality Administration, indicated in its appeal that the judicial decision is illegal and unsubstantiated and provided the following arguments:

1. The organizer’s right to select location for an assembly is not absolute. This position was also confirmed by the Supreme Administrative Court of Lithuania in the ruling of 19 January 2012 in the administrative case No.A-63-261/2012, when the Court stated that the law does not give the unconditional right to choose location of an assembly. During the meeting of the Coordination Commission the representative of the applicant did not provide with any objective arguments that the purpose of the march, set out in the notification of 11 January 2013 concerning organization of the March for Equality, would not be achieved if the march was held on a different location. It is noted that in the ruling of 19 January 2012 in the administrative case No.A63-261/2012 the SACL stressed out that the law does not give the unconditional right for the organizers of an assembly to choose the location of a meeting, therefore it is obvious that in this relevant judgment the precedent is formed, which should be also followed by the Court while examining the current case.

2. The appellant did not violate the coordination procedure by offering another location for a meeting because the Law on Public Meetings does not imperatively provide for the procedure through which, after establishing that the location chosen by the organizers could possibly violate legal requirements, another location for a meeting could be proposed to the applicant. In this context the appellant claims that the alternative proposals suggested for the applicant during the Coordination Commission’s meeting of Vilnius City Municipality Administration of 16 January 2012, i.e. to organize the march in Upės Street or to hold a meeting in Lukiškių Square, comply with the proper process of the coordination procedure. It is noted that Donatas Vansevicius, i.e. a member

of the panel of judges within the Court of First Instance, also supported this position in a dissenting opinion concerning the judicial decision of 11 April 2013.

3. In its decision the Court of the First Instance ignored the requirements of the principle of proportionality. It is noted that the Constitutional Court in its ruling "On compliance of the Law on Public Meetings of the Republic of Lithuania with Part 2, Article 6 of the Constitution" of 7 January 2000 pointed out that the State's interference with the exercise of the right to freedom of peaceful assembly on the grounds of the legitimate aim of the rights of others is recognized as legitimate and necessary if the principle of proportionality between the interference and the aim sought is followed. It is believed that in this particular case the principle of proportionality was followed upon as it was not prohibited to hold the march in general. However, another location, i.e. on Upės Street, was proposed solely in order to protect the rights of others. It is stated that Gedimino Avenue is not a safe place for marches and the necessary security measures on the Gedimino Avenue are indisputably inadequate. If the arguments set out by the Vilnius Regional Administrative Court were followed, submitting a notification to organize an assembly on the Gedimino Avenue by any applicant or its group would inevitably oblige to prohibit, first of all, public traffic, what would result in restrictions upon traffic in a bigger part of the city. This undoubtedly denies the conclusion reached by the Court of the First Instance on 11 April 2013, i.e. the defendant and the third party have not indicated real, adequate and reasonable facts, which could prevent the organization of public events on the Gedimino Avenue.

LGL based its response to the Court of Appeal on the following arguments:

1. *Concerning the organizer's right to choose the location of an assembly.* With regards to the Law on Public Meetings of the Republic of Lithuania the organizers of a meeting (except for several exceptions in the Law itself) has an indisputable right to choose the location of a meeting. It is emphasized that the European Court of Human Rights (ECHR) in explaining the scope of the right to freedom of peaceful assembly pointed out that the right to peaceful assembly includes the right to choose time, location and form of a meeting (see the decision of 27 November 2012 in case No. 58050/08, *S. v. Hungary* by the ECtHR). The Constitutional Court of the Republic of Lithuania in its ruling of 7 January 2000 by elaborating on the right to choose route, location, objective and form of a public assembly, articulated even stronger position – organizers of a meeting can freely choose location, time, objective and form. In other words, in the absence of these elements, the right to freedom of peaceful assembly itself would lose its meaning. In the jurisprudence of the SAČL it was also acknowledged that the decision, by which the Director of the Municipality Administration had unilaterally decided to allow organizing a meeting not in the location requested in the notification, but in the place determined by the Municipality itself, is not legal (see the ruling No. A63-261-12/2012 by the SAČL of 19 January 2012). Consequently, the ECHR as well as the Constitution of the Republic of Lithuania guarantee the right to choose all these essential elements of a meeting, i.e. time, location, objective and form of a meeting. It is highlighted that with the Law No. XI-2385 of 8 November 2012 a new version of the Law on Public Meetings was adopted, which greatly differs from the previous version of the law in the fundamentals of organizing public meeting and in the grounds, upon which the municipal authorities could refuse to facilitate a public meeting. In order to analyze the current legal regulation comprehensively, it is necessary not to limit the interpretation of the Law on Public Meet-

ings to the linguistic approach. It is important to use systematic, teleological and comparative methods as well. It is noted that in the Law on Public Meetings the legislator deliberately did not allow for the defendant to ban public meetings or arbitrarily change their essential elements. Thus, unilateral selection of another location of a march is regarded as legally unsubstantiated.

2. *Concerning the principle of proportionality.* It is noted that the right to freedom of peaceful assembly is not absolute. Both the Convention and the Constitution provide cases for possible limitations upon the implementation of this right, which are elaborately explained by the ECtHR. While interpreting the Law on Public Meetings, the Constitutional Court specified that the State's interference with the exercise of the right to freedom of peaceful assembly is recognized as legitimate and necessary if the principle of proportionality between the interference and the aim sought is followed. Moreover, the restrictions on Article 11, Part 2 of the Convention in a general sense encompass measures which have to be taken before a meeting, during a meeting and after a meeting. Due to the importance of the right to freedom of peaceful assembly in a democratic society, these measures can be justified only by the necessity arising from the needs of a democratic society itself. For this reason, one of the fundamental purposes of the Article 11 of the Convention is to protect the participants of a meeting from the arbitrary interference and hindrance to exercising right to freedom of peaceful assembly by public institutions. The above mentioned article of the Convention also encompasses the right to express beliefs (in the context of the Article 10 of the Convention); therefore the public institutions must refrain from direct or indirect arbitrary actions, which could interfere with the exercise of the right to peaceful assembly and such actions, taken by the public institutions, could be justified only by providing grounded, proper and convincing reasons arising from the actual need in a democratic society (see the decision of 3 May 2007 in case No. 1543/06 *B. and Others v. Poland*, the decision of 23 October 2008 in case No. 10877/04 *S. K. v. Russia*, the decision of 26 July 2007 in case No. 10519/03 *B. v. Russia*, the decision of 27 November 2012 in case No. 38676/08 *D. and K. v. Turkey*, the decision of 26 April 1991 in case No. 11800/85, *E. v. France*). The ECtHR considers situations where the actions by the public institutions have a negative effect on organizers and participants of public meetings to be restrictions on the right to freedom of peaceful assembly as well (see the decision of 10 July 2012 in case No. 34202/06 *B. and Others v. Russia*). It is noted that the constitutional jurisprudence points out that the requirement of legality is fulfilled only in the case when restrictions are set out in a law, which is publicly available and its norms are formed with sufficient clarity. The constitutional rights can be restricted in the norm of the Constitution itself by providing individual cases of restriction or, what occurs more often, in the adopted law in accordance with the constitutional provision. For example, the Article 20 of the Constitution provides that freedom can be restricted only on the grounds and according to the procedures established by the law. However, the Article 36, Part 2 of the Constitution does not provide for individual cases of restriction, but it is stated that fundamentals of the right to freedom of peaceful assembly should be set out in the law and only in accordance with the fundamentals of the above mentioned constitutional norm. It is emphasized that this constitutional norm is also specified and implemented by the Article 9 of the Law on Public Meetings, which indicates grounds based on which this right can be limited. However, it is applicable only to the ongoing meetings but not to the planned meetings. Moreover, it should be noted that the above mentioned Article 9 of the Law on Public Meetings allows termination only of an ongoing meeting and only when the participants of a meeting themselves are performing prohibited activities. It means that this Article does not provide for the possibility to terminate an ongoing meeting when participants' security

or the rights of others are at risk due to the actions of other individuals, i.e. not due to the actions of the participants of a meeting themselves. In addition to this, the Law does not provide for the grounds on which it is possible to ban a meeting, which is only at the planning stage. In the latter case there is a positive obligation by the State to ensure the security and the individuals, who are intending to commit an offence (i.e. to threaten the security of the participants), should be punished according to the law. It is stressed that by unilaterally changing the location of the march the appellant interfered with one of the fundamental elements of the right to freedom of peaceful assembly, i.e. the location of a meeting, which is guaranteed both by the Convention and the Constitution. Any restriction on the right to freedom of peaceful assembly is considered to be legal only if it fulfills the requirements, established by the Convention and the Constitution. Otherwise, it would deny the right to freedom of peaceful assembly itself. Although the security reasons are one of the legitimate aims in restricting the right to freedom of peaceful assembly provided both in the Convention and the Constitution, existence of this circumstance alone does not justify the interference. In order to justify interference with the right to freedom of peaceful assembly, all three cumulative conditions have to be met: 1) it is provided by the law, 2) it seeks to pursue the legitimate aim, 3) it is necessary in a democratic society and it is proportional to the aims sought. In case there is no competence granted to the appellant in the Law on Public Meetings to interfere with the right to freedom of peaceful assembly by changing the location of the meeting, even if legitimate aims are being sought (i.e. safety of the participants or the rights of others) such interference violates the right to freedom of peaceful assembly as such.

3. *Regarding the coordination procedure.* Considering the fact that the legislator has purposely not given the competence to the appellant to offer or to arbitrarily change the location of a meeting, the argument by the appellant that solely hearing the opinion of the applicant and changing the location of a meeting is an appropriate method of coordination is unjustified. It is noted that the ECtHR in its practice emphasizes that one of the reasons behind legally establishing the requirement to report to the competent authorities about the location and the route of an organized assembly is that it would be possible to guarantee the security of participants of a meeting in advance (decision of 17 July 2007 in case No. 25691/04 *B. and Others v. Hungary*, decision of 10 July 2012 in case No. 34202/06 *B. and Others v. Russia* by ECHR). In case of Lithuanian legal system a 5-day-prior notice established by the Article 6 of the Law on Public Meetings and a coordination procedure established by the Article 7 are foreseen in order to enable the assessment of possible risks and threats that could be evaluated before the actual event takes place and that the competent authorities would have enough time to assess measures needed with the view of ensuring the security of the participants in an assembly. The appellant must conclude the coordination procedure with the final decision, having only one legal responsibility, i.e. to ensure that the State would properly implement its positive obligation to guarantee the safety of the participants in an assembly.

4. The Article 14 of the Convention prohibits discrimination with regards to other rights and freedoms, safeguarded by the Convention. Taken into an account that the issue in this particular case concerns the right to freedom of peaceful assembly, the Article 14 of the Convention is also applicable. It should be noted that in the ECtHR's jurisprudence prohibition of discrimination covers discrimination on the grounds of sexual orientation as well (decision of 21 October 2010 in case No. 4916/07, 25924/08, 14599/09 *A. v. Russia*). In this case the Court also emphasized that in the situations, which are related with the intimate and sensitive sphere of a person's private life, e.g. sexual orientation, the State is guaranteed with a narrow margin of appreciation. In order to

justify the State's different behavior on the grounds of sexual orientation, it is necessary to submit especially strong justifications for the differential treatment and that it is proportionate in a given case. It has to be noted that between 1 January 2011 and 21 March 2013 the Vilnius City Municipality Administration accepted at least 56 notifications by which 74 meetings were coordinated and approved to proceed on Gedimino Avenue.

The Supreme Administrative Court of the Republic of Lithuania by its decision on 20 June 2014 rejected the appeal by the Vilnius City Municipality Administration and left the decision by the Vilnius Regional Administrative Court unchanged on the grounds of the following motives:

1. The Article 11 of the Convention, which establishes the right to freedom of peaceful assembly, should be interpreted, *inter alia*, in the light of the Recommendation of the Committee of Ministers of the Council of Europe Rec(2010)5 to member states on measures to combat discrimination on grounds of sexual orientation or gender identity. The Clause 14 of the Appendix of the Recommendation encourages member states to ensure effective exercise of the right to freedom of peaceful assembly without discrimination on the ground of sexual orientation or gender identity. The Clause 15 of the Appendix encourages member states to ensure that the law enforcement officials undertake relevant measures to protect participants taking part in peaceful meetings for the rights of lesbian, gay, bisexual and transgender people from any attempts to prevent the effective exercise of the right to freedom of peaceful assembly. The Clause 16 of the Appendix encourages member states to prevent limitations on the effective exercise of the right to freedom of peaceful assembly, when legal or administrative provisions are misused, e.g. on the grounds of public health, morals or public order. The ECtHR, while interpreting the Article 11 of the ECHR, in its decision *B. and others v. Poland* (App No 1543/06) indicated that democracy is a guarantee of public order in Europe [61] and that democracy does not simply mean prevalence of the opinion by the majority, i.e. the balance must be achieved in order to ensure just treatment of minorities and to prevent misuse of the dominating position [63]. The State has a positive obligation to ensure the effective exercise of the right to freedom of peaceful assembly for individuals or groups with unpopular ideas and for minorities in order to facilitate democratic pluralism [64]. The essential condition for the effective exercise of the right to freedom of peaceful assembly is the presumption of legality, which is being denied by refusing to approve a meeting officially and thus deterring individuals belonging to sexual minorities from participation in the meeting [67]. These negative consequences to the freedom of peaceful assembly cannot be avoided if legal remedies in protecting the right to freedom of peaceful assembly are applied only after the anticipated date of the scheduled meeting [68].

2. In the Republic of Lithuania the exercise of the right to freedom of peaceful assembly is implemented through the procedure of notification. The Law on Public Meetings foresees certain rights and obligations for the subjects of public administration in the course of implementing the right to freedom of peaceful assembly. The respondent (i.e. the appellant) is a subject of public administration. Under the general principles of public law the competences of the subject of public administration are limited to the competences, explicitly stated in the legal acts only. The Article 7, Part 3 of the Law on Public Meetings foresees that a notification on an organized public assembly is agreed upon by the Director of the Municipality Administration, organizers of the assembly in question and the representatives of the Police Department. However, the Law on Public Meetings

does not foresee the right for the municipal authorities to indicate another location of the proposed assembly if the initial notification on the event is not being agreed upon. Otherwise the implementation of the exercise of the right to freedom of peaceful assembly through the procedure of notification would be undermined.

3. According to the jurisprudence by the Supreme Administrative Court of Lithuania, 'agreeing upon' implies mutual agreement (see, for example, decision in the administrative case No. A-63-261/2012). The Supreme Court agreed with the position by the Court of the First Instance that in case the Vilnius City Municipality Administration had been not able to agree upon the proposed assembly with the organizers of the event, it should have refused to issue the approval of the planned assembly all together. This decision could be further challenged before the national courts.

4. LGL submitted a notification on the planned assembly to the Vilnius City Municipality Administration on 11 January 2013. The march is planned to be held on 27 July 2013. Taken the above indicated circumstances into consideration, the new negotiation procedure must take place as soon as possible, i.e. following the brief terms foreseen in the legal acts.

3. Results, achieved objectives, adopted decisions and formulated legally relevant precedents of the stage:

- The Court of Appeal essentially established the practice of addressing the legal disputes under the Law on Public Meetings through the accelerated procedure. According to the Supreme Administrative Court, the administrative cases on implementing the right to freedom of peaceful assembly, given the possibility of resolving the legal dispute before the actual date of the planned event, should be addressed by the national courts under the accelerated procedure.
- The Court of Appeal agreed with the Court of the First Instance that the legal dispute between the LGL and the Vilnius City Municipality Administration should be resolved through the new procedure of negotiation, which should take place within the possibly shortest period of time.

4. The most important documents of the stage:

- An appeal by the Vilnius City Municipality Administration concerning the Vilnius Regional Administrative Court's decision of 11 April 2013 in the administrative case No. I-2457-208/2013 (8 pages, without appendixes);
- LGL's request of 9 May 2013 to deal with the administrative case No. I-2457-208/2013 under the accelerated procedure (10 pages, with appendixes);
- LGL's response of 27 May 2013 to the appeal by the Vilnius City Municipality Administration concerning the Vilnius Regional Administrative Court's decision of 11 April 2013 in the administrative case No. I-2457-208/2013 (12 pages);
- The decision by Supreme Administrative Court of Lithuania of 20 June 2013 in the administrative case No. A⁴⁴⁴-1968/2013 (10 pages).

STAGE IV:

NEW PROCEDURE OF NEGOTIATION BETWEEN THE ASSOCIATION LGL AND THE VILNIUS CITY MUNICIPALITY ADMINISTRATION

1. The most significant events within the chronological timeline:

26 June 2013 – a new procedure of negotiation took place between the association LGL and the Vilnius City Municipality Administration with regards to the initial notification of 11 January 2013 on the planned March for Equality;

26 June 2013 – the Deputy Director of the Vilnius City Municipality Administration issued order No. A30-1535 “On the March Organized by the Association LGL” effectively banning the event by refusing to agree on location, time and form of the proposed assembly.

2. The description of the most significant events of the stage and arguments by the disputing parties in strategic litigation process:

On 26 June 2013 a meeting on negotiating the initial notification on the planned March for Equality among the LGL, the Vilnius City Municipality Administration and the representatives of the Police Department took place. The meeting was commenced in order to implement the decision by the Vilnius Regional Administrative Court of 11 April 2013.

After the meeting the Deputy Director of the Vilnius City Municipality Administration issued an Order No. A30-1535 “On the March Organized by the Association Lithuanian Gay League”, stating that “with regards to the values stated in Part 2 of Article 36 of the Constitution of the Republic of Lithuania and defended by the Constitution of the Republic of Lithuania, in order to protect public security, public order and rights and freedoms of others, in accordance with Part 3 of Article 4 of the Law on Public Meetings, I do not agree upon the location, time and form of the march organized by the Association Lithuanian Gay League on 27 July 2013 between 12 PM and 4 PM, where participants are gathering in the square between Odminių street, Šventaragio street and Gedimino Avenue (in front of the *Amberton Hotel*), forming a column from Odminių street and going down Gedimino Avenue towards Lukiškių Square, where the march is to be finished and the final speeches are to be delivered.” Together with the above mentioned executive Order an Explanatory Memorandum was issued by the Deputy Director with the view of elaborating on the position by the Vilnius City Municipality Administration on disagreeing with location, time and form of the proposed assembly. According to Part 3 of Article 4 of the Law on Public Meetings, public meetings or individual actions cannot be organized closer than 75 meters from the Seimas of the Republic of Lithuania, the Office of the President of the Republic of Lithuania, the Government of the Republic of Lithuania and court buildings and no closer than 25 meters from the other buildings of public administration or diplomatic representations. The Explanatory Memorandum, *inter alia*, lists the protection of the interests of the third parties as a legitimate aim of interfering with the exercise of the right to freedom of peaceful assembly.

3. Results, achieved objectives, adopted decisions and formulated legally relevant precedents of the stage:

- The decision issued by the Vilnius City Municipality and the accompanying arguments highlight the discriminative nature of the refusal to agree upon location, time and form of the proposed event. Between 1 January 2011 and 21 March 2013 the Vilnius City Municipality accepted at least 56 notifications by which 74 meetings were coordinated and approved to proceed on Gedimino Avenue and Part 3 of Article 4 of the Law on Public Meetings was never referred to as a legitimate ground of interfering with the exercise of the right to freedom of peaceful assembly. However, this legal provision was nevertheless applied with regards to the social group of lesbian, gay, bisexual and transgender (LGBT) individuals, thus unduly interfering with their right to freedom of peaceful assembly.

4. The most important documents of the stage:

- Minutes by bailiff Asta Stanišauskaitė 'Statement on Factual Circumstances' (5 pages);
- Executive Order by the Deputy Director of the Vilnius City Municipality Administration No. A30-1535 "On the March Organized by the Association Lithuanian Gay League" of 26 June 2013 and an accompanying Explanatory Memorandum (4 pages).

STAGE V:

THE SECOND LEGAL PROCESS BEFORE THE COURT OF FIRST INSTANCE WITH REGARDS TO THE ASSOCIATION LGL'S COMPLAINT CONCERNING THE ACTIONS BY THE VILNIUS CITY MUNICIPALITY ADMINISTRATION

(VILNIUS REGIONAL ADMINISTRATIVE COURT)

1. The most significant events within the chronological timeline:

28 June 2013 – LGL submitted a complaint before the Vilnius Regional Administrative Court with regards to the executive Order by the Deputy Director of the Vilnius City Municipality Administration No. A30-1535 "On the March Organized by the Association Lithuanian Gay League" of 26 June 2013 by asking to immediately, but no later than three days prior to the scheduled event, oblige the Municipality Administration to agree upon location, time and form of the proposed assembly and to establish that the right to choose location of the public assembly belongs to the organizers of an event.

3 July 2013 – the hearing by the Vilnius Regional Administrative Court took place with regards to the LGL's complaint against the actions by the Vilnius City Municipality Administration,

05 July 2013 – the Vilnius Regional Administrative Court delivered its decision, by which LGL's complaint was affirmed through repealing the executive Order by the Deputy Director of the Vilnius City Municipality Administration No. A30-1535 "On the March Organized by the Association Lithuanian Gay League" of 26 June 2013 and through obliging the Vilnius City Municipality Administration to agree upon the initial notification of 11 January 2013 on organizing the public assembly on 27 July 2013 between 12 PM and 4 PM, where participants are gathering in the square between Odminių street, Šventaragio street and Gedimino Avenue (in front of the *Amberton Hotel*), forming a column from Odminių street and going down Gedimino Avenue towards Lukiškių Square, where the march is to be finished and the final speeches are to be delivered.

2. The description of the most significant events of the stage and arguments by the disputing parties in strategic litigation process:

Arguments and requests by the applicant, i.e. LGL, which were presented to the Vilnius Regional Administrative Court:

1. *With regards to the extent of agreeing with the initial notification.* The Vilnius Regional Administrative Court has previously repealed the Order by the Vilnius City Municipality Administration only to the extent by which the location of the March for Equality was not agreed upon. The remaining parts on agreeing upon time and form of the event were not repealed and therefore they remain valid. The defendant was obliged to coordinate the initial notification anew only to the

extent, which was admitted to be illegal. The current executive Order by the Municipality Administration, by which it refused to agree not only on the location, but also on the time and the form of the march, violates the Law on Public Meetings and fails to implement the previous decision by the Court of the First Instance. As a result the current executive Order must be repealed to the extent, by which time and form of the proposed assembly is not being agreed upon.

2. *With regards to the refusal to agree upon the initial notification on the basis of Part 3 of Article 4 of the Law on Public Meetings.* The interference with the right to freedom of peaceful assembly is recognized as legitimate only when the conditions by the Constitution and the Convention are followed, i.e. the interference should be based on the law, it should pursue a legitimate aim and it should be necessary in a democratic society. The refusal to agree upon the initial notification on the grounds of Part 3 of Article 4 of the Law on Public Meetings does not satisfy the requirements by the two conditions in the Convention and the Constitution, i.e. it does not pursue a legitimate aim and it is not necessary in a democratic society (i.e. not proportionate).

According to Part 3 of Article 4 of the Law on Public Meetings, public meetings or individual actions cannot be organized closer than 75 meters from the Seimas of the Republic of Lithuania, the Office of the President of the Republic of Lithuania, the Government of the Republic of Lithuania and court buildings and no closer than 25 meters from the other buildings of public administration or diplomatic representations. The defendant did not indicate in general what legitimate aim is being sought by using this interference with the right to freedom of peaceful assembly. One of the aims of the statutory limitation is to ensure the normal functioning of the public institutions. It has to be noted that the March for Equality is planned to take place on 27 July 2013, i.e. on Saturday. On this day the above mentioned public institutions do not work. Therefore the defendant did not pursue any legitimate aim on the basis of Part 3 of Article 4 of the Law on Public Meetings precisely due to the fact that the march is organized on Saturday.

In addition to this, the ECtHR in its judgment *Saska v Hungary* (App no. 58050/08, 27 November 2012), by analyzing a similar situation, emphasized that it is necessary to take into account the specific factual circumstances of the planned assembly, i.e. taking into account the fact that no parliamentary sittings took place on the day of the planned assembly, the Court rejected the State's position that by the restriction on the assembly it was pursued to ensure the continued functioning of the Parliament. Therefore, this cause can be neither relevant nor sufficient for the limitation of one of the basic human rights – the right to freedom of peaceful assembly.

The limitation of the applicant's right to freedom of assembly in this administrative case on the grounds of Part 3 of Article 4 of the Law on Public Meetings contravenes the principle of proportionality as well. The defendant did not provide conclusive and convincing arguments that justify this interference. No legitimate purpose is being sought by this restriction. In other words, there is no public interest which could justify the restriction of one of fundamental human right, i.e. the right to freedom of peaceful assembly.

3. *Concerning the refusal to agree on the initial notification on the basis of the threat to public order, morality, public security, and rights and freedoms of others.* The VRAC in its decision stated that the defendant should take into account the information provided by the Police Department under the Ministry of the Interior of the Republic of Lithuania (i.e. the Third party concerned) on the possible actions during the March for Equality. The Court noted that the Third party concerned did not indicate that it would not be possible to ensure the safety of the participants in the march and the choice of other location by the defendant, i.e. on Upės Street, is only a more convenient

location. When the VRAC's decision acquired the force of *res judicata*, the defendant in order to refuse to agree upon the initial notification had to rely on the factual circumstances, provided in the above mentioned decision. The restriction of the right to freedom of peaceful assembly cannot be justified solely due to the presence of the security risk for society, the participants themselves or to the rights and interests of other people. The competent institutions must carry out an investigation based on a comprehensive assessment of the situation and provide specific conclusions concerning possible violations of the right in question (see the ECtHR's judgment in *Alekseyev v. Russia*, App. no. 4916/07 25924/08 14599/09, 21 October 2012).

The defendant in order to limit the applicant's constitutional right must justify the interference by providing objective data that the necessary conditions in limiting the right to freedom of peaceful assembly are met. The arguments provided by the defendant with regards to the security threats are void, because the Third party concerned provided data, whereas the public safety would be properly ensured if the march takes place on Gedimino Avenue as well. In addition to this, the VRAC in its decision agreed with the ECtHR's jurisprudence that although the march in a public place might disrupt daily life, as well as traffic, but it is important that the public authorities express tolerance for peaceful gatherings. Therefore, the defendant's argument that the march will unduly disturb daily life of the residents of Vilnius must be regarded as unreasonable.

The currently effective version of the Law on Public Meetings does not provide for the right to the defendant to refuse to agree upon the notification on organizing public assembly. According to Part 2 of Article 6 of the Law on Public Meetings, the only obligation provided is that the organizers of an event have to notify the Director of Municipality Administration or his Deputy about the planned meeting through providing information on location and route of an assembly. It should be noted that, according to Article 9 of the Law on Public Meetings, an already ongoing assembly could be terminated only if the participants of that assembly perform illegal actions. To put it in other words, even this particular article does not provide for a ground on banning an assembly, when illegal actions, performed by other individuals, pose a security risk in the course of a public assembly. Moreover, the Law does not provide for the grounds, by which it could be refused to agree upon the notification on a meeting which is still in the planning phase. In that case, the public authorities have a positive obligation to ensure public safety and to prosecute individuals, who are performing or planning to perform illegal activities.

4. *Concerning discrimination of the applicant.* In the period between 1 January 2011 and 21 March 2013 the Vilnius City Municipality Administration adopted at least 56 orders, by which 74 meetings were agreed upon to proceed on Gedimino Avenue. These events included 18 marches, 15 protests, 34 rallies and 7 pickets. These meetings took place throughout the week. However, the defendant has never relied upon Part 3 of Article 4 of the Law on Public Meetings in relation to these public events. Taken into account that in the period between 1 January 2011 and 21 March 2013 the Vilnius City Municipality Administration did not refuse to agree upon at least 74 public meetings on the Gedimino Avenue on the basis of Part 3 of Article 4 of the Law on Public Meetings or on any other basis, the applicant is apparently discriminated against on the grounds of sexual orientation on its pursuit to exercise the right to freedom of peaceful assembly on the Gedimino Avenue, i.e. on the central street of the city. The public visibility, the possibility of freely expressing positions and opinions, as well as embracing own identities in the most visible public spaces is one of the most effective measures to foster social integration of the particular group, to represent its demands to the public institutions, and to express its position to other social groups. This is related with the re-

spect for the personal dignity of individuals of non-traditional sexual orientation. The relocation of the meeting from the central and the most visible part of the Vilnius City is contrary to the purpose of the meeting itself. The artificial establishment of isolated 'ghettos' and the ban on organizing a public assembly on a chosen location violate the principle of equal treatment, thus preventing the LGL from using the constitutional right to freedom of peaceful assembly effectively.

The SACL pointed out that at the time of examining the legality of the first executive Order by the Vilnius City Municipality Administration the signs of discrimination had already been apparent. Taken into account that the defendant had not agreed on the submitted notification for the second time in a row, this time on the grounds of Part 3 of Article 4 of the Law on Public Meetings, the signs of discrimination have become even more indicative. Therefore the current Court should take into account the arguments on discrimination, presented by the applicant.

5. *Concerning the hearing of the administrative case under accelerated procedure.* With regards to the fact that the March for Equality is planned on 27 July 2013, it is requested that this administrative case is dealt under the accelerated procedure. The presumption of legality is crucial for the participants in a public assembly with the view of exercising their right to freedom of peaceful assembly, i.e. the participants in an assembly should be able to expect reasonably that they are involved in a lawful event. In the absence of the presumption of legality, the participants in a meeting may be deterred from engaging in it (i.e. they might suffer from the *chilling effect*).

The application of accelerated judicial procedure in this particular administrative case is sanctioned by the principle of an effective judicial remedy as well. This legal principle among other things implies that the judicial remedy should be not only formal, but also generate the actual access to the judicial defense, i.e. it is not enough only to formally guarantee the individual's right to apply before the court, but it is necessary to establish reasonable conditions for the implementation of this right without any additional obstacles. The right to judicial remedy, *inter alia*, covers the right to prompt resolution of the legal dispute. In other words, the right to judicial remedy should be implemented in a way that the subjective right in question (e.g. the right to freedom of peaceful assembly) would not lose its meaning itself. If the administrative case is not resolved by the Courts of the First and the Second Instances before the actual march takes place, the right to freedom of peaceful assembly would be violated in itself as there would be no meaningful way of ensuring its protection. The necessity for the application of the accelerated judicial procedure is also based on the fact that the march has a great social significance as the importance of human rights is being emphasized therein. Moreover, it aims at drawing public attention to the problem of discrimination against homosexual, bisexual and transgender (LGBT) individuals, at increasing public awareness and consciousness about the issues of sexual orientation and gender identity. In addition to this, the public has been already informed about the march through the mass media. For these reasons, it is requested to deal with the administrative case under the accelerated judicial procedure.

The arguments and requests, submitted by the Defendant, i.e. the Vilnius City Municipality Administration:

1. In the course of this particular administrative case an unusually short period of time was given to the defendant to provide a response to the applicant's claims. It has been concluded that the

Municipality did not have an adequately ensured right for the full preparation for the proceedings and for the submission of detailed and reasoned arguments in response to the Applicant's complaint. The defendant requests the Court to appoint a reasonable period of time for submitting the detailed and motivated response and postpone the hearing, which is scheduled on 3 July 2013.

2. The defendant requests the Court to include the Police Department under the Ministry of the Interior of the Republic of Lithuania as the Third party concerned in the course of the proceedings. According to the Law on Public Meetings, the Police Department will have to ensure public order and security. Thus, it is obvious that the Court's decision will affect the rights and legitimate interests of the Third party concerned.

3. *Concerning the judicial obligation of the defendant being carried out in a proper way.* Due to the fact that the Municipality has followed both the decision by the Court of the First Instance and the provisions of the Law on Public Meetings in the course of the negotiation procedure with regards to Baltic Pride 2013 March for Equality on 26 June 2013, there is no need to annul the appealed Order. Having assessed all the circumstances, which objectively do not allow agreeing upon the proposed location by the applicant, i.e. to organize the march on Gedimino Avenue, the defendant refused to agree upon time, location and form of the organized assembly. The defendant sought to strike the balance between the applicant's right to freedom of assembly and public interest, i.e. interest of the whole community in order to protect rights and freedoms of the others and that there would be no threat to public security and public order. According to the Municipality, the fair balance would not be guaranteed if the interests of the rest of society would be disproportionately restricted due to the exercise of a constitutional right by one particular social group. The applicant did not provide any solid and convincing arguments supporting the fact that in order to exercise the right to freedom of peaceful assembly effectively, the march in question has to be organized exactly on Gedimino Avenue.

4. *Concerning the reasonable refusal to agree upon the notification on the basis of Part 3 of Article 4 of the Law on Public Meetings.* The Municipality has clearly outlined specific and objective motives in the Explanatory Memorandum on the executive Order in confirming that legitimate aims were sought and that the Order was adopted in accordance with the legal principle of proportionality, i.e. protecting the rights and freedoms of the urban community. The subjective interpretation of the provisions of the Law by the applicant does not form the basis for legally challenging the executive Order. Public institutions, which are mentioned in the Law on Public Meetings, may be carrying out their functions also on the weekends, especially due to the beginning of the Lithuanian Presidency of the European Union. The principle of proportionality was maintained in the course of adopting the executive Order in question, because the applicant was not banned from organizing the march. Due to the objective reasons the defendant reasonably refused to agree upon time, location and form of the planned assembly and these actions by the Municipality cannot be recognized as violating the right to freedom of assembly.

5. *Concerning unreasonable arguments by the Applicant related to the functions performed by the Police Department according the Law.* Despite the fact that the Law establishes an obligation for the Police Department to carry out its functions, it does not necessarily mean that this obligation will be executed properly and that no threat to public safety will arise. Considering the experience from the similar march organized in 2010, when an obvious threat had arisen for both the participants and the persons, who were protesting against this event, it is unquestionable that in the course of planning the future march it is necessary to *a priori* evaluate all the circumstances

of such the event and to agree upon such form, time and location of the meeting that the interests of public safety, public order and other peoples' rights and freedoms are protected as effectovely as possible. The applicant is not relying on any documents or written sources, which could be used in order to determine that during the march in question the public safety will be properly secured.

6. *Concerning the claim of discrimination against the applicant in the course of adopting the complained Order.* In general, it is not clear with reference to which source the Applicant presents to the Court the number of meetings organized during the mentioned period of time and on the basis of which legal act the above mentioned meetings were organized. Due to lack of time the Defendant cannot verify the written evidence, submitted by the applicant, comprehensively. According to the data, provided by the Municipality, there were no executive orders, concerning the marches on the Gedimino Avenue, issued on behalf of the Municipality neither in 2012, nor in 2013, i.e. since the new edition of the Law on Public Meetings has come into force.

The Vilnius Regional Administrative Court by the decision of 5 July 2013 repealed the executive Order by the Deputy Director of the Vilnius City Municipality Administration No. A30-1535 "On the March Organized by the Association Lithuanian Gay League" of 26 June 2013, and the Vilnius City Municipality Administration was obliged to agree upon the location specified by the applicant in the initial notification of 11 January 2013 on organizing the public assembly on 27 July 2013 between 12 PM and 4 PM, where participants are gathering in the square between Odminių street, Šventaragio street and Gedimino Avenue (in front of the *Amberton Hotel*), forming a column from Odminių street and going down Gedimino Avenue towards Lukiškių Square, where the march is to be finished and the final speeches are to be delivered.

1. *Concerning the consideration of the notification on an organized assembly.* The Court concluded that the right to choose location of a public assembly belongs to the organizers of an event themselves and it is established by Article 6 of the Law on Public Meetings. However, according to Part 4 of Article 7 of the Law on Public Meetings the notification on an organized meeting must be considered through the procedure, established by the Law. The Court rejected the argument by the applicant that the Law on Public Meetings provides for the obligation for the organizer of a meeting only to inform the municipal authorities about the planned event and that the municipal authorities do not have any discretion in agreeing upon location, time and form of a planned event.

2. *Concerning the refusal to agree upon the notification on the organized march according to Part 2 of Article 36 of the Constitution of the Republic of Lithuania.* The representatives of the Police Department did not indicate that it would not be possible to ensure the safety of participants, society, and public order and traffic in case the march would be organized in the place requested by the applicant. Hence, there is no evidence supporting the inability by the Police to provide security during the march.

The Court, having assessed the data in the case and relying on the fact that the defendant based its arguments on the specific legal provisions with the view of protecting the security of the participants in the march, was not able to find the violation of the principle of non-discrimination.

3. *Concerning the refusal to agree upon the notification on the organized march according to Part 3 of Article 4 of the Law on Public Meetings.* In Part 3 of Article 4 of the Law on Public Meetings the restriction to organize public meetings closer than certain distances to the outlined public insti-

tutions is established. In the current case, the march is not being organized in front of any particular building, because during the event the participants will be marching. Therefore, these buildings will be simply passed by and the organized meeting will not take place in front of these buildings. Also, it should be noted that the march is being organized on a non-working day, i.e. on Saturday. The Municipality Administration adopted the complained Order unreasonably following Part 3 of Article 4 of the Law on Public Meetings.

In the course of adopting the complained Order, i.e. by refusing to agree upon location, time and form of the planned assembly, the defendant did not implement the decision by the Vilnius Regional Administrative Court correctly, which was upheld by the Supreme Administrative Court of Lithuania on 20 June 2013. The defendant exceeded its administrative competence by refusing to agree upon time and form of the planned assembly.

3. Results, achieved objectives, adopted decisions and formulated legally relevant precedents of the stage:

- Taken into account the fact that the march was planned on 27 July 2013, i.e. less than one month was left until the planned event, the VRAC satisfied the request by the applicant to deal with the administrative case under the accelerated procedure. The legal case was solved within 5 working days after submitting the complaint on 28 June 2013.

- The VRAC indicated that in order to refuse to agree upon the notification on the planned assembly on the basis of Part 2 of Article 36 of the Constitution of the Republic of Lithuania it is necessary to provide objective and substantiated data, i.e. it is not sufficient to claim that it will not be possible to protect the values, established in Part 2 of Article 36 of the Constitution. To put it in other words, the speculative statements of declarative nature that a threat to the safety of the participants of the march, society, public order and traffic might potentially arise are not sufficient basis for seeking to restrict the constitutional right to freedom of peaceful assembly. However, the Court did not find the violation of the principle of non-discrimination.

- The VRAC clarified that the restriction, established in Part 3 of Article 4 of the Law on Public Meetings, to organize public meetings closer than certain distances to the outlined public institutions cannot be applied on the instances when the mentioned institutions are just passed by, i.e. a march is organized instead of a rally or a picket. In addition to this, the Court noted that the march will be organized on a non-working day, i.e. on Saturday, and therefore there is no legitimate aim to interfere with the right to freedom of peaceful assembly based on the above mentioned legal provision.

- The VRAC did not find the violation of the principle of non-discrimination with regards to LGBT people, although the interference with the right to freedom of peaceful assembly on the legal basis of Part 3 of Article 4 of the Law on Public Meetings has been never applied with regards to other social groups.

4. The most important documents of the stage:

- The complaint by LGL with regards to the executive Order by the Deputy Director of the

Vilnius City Municipality Administration No. A30-1535 “On the March Organized by the Association Lithuanian Gay League” of 26 June 2013 by asking to immediately, but no later than three days prior to the scheduled event, oblige the Municipality Administration to agree upon location, time and form of the proposed assembly and to establish that the right to choose the location of the public assembly belongs to the organizers of an event (12 pages, without appendixes);

- The request by LGL to deal with the administrative case under the accelerated procedure of 28 June 2013 (4 pages, without appendixes);
- The response by the Vilnius City Municipality Administration to the submitted complaint (10 pages, without appendixes);
- The decision of 5 July 2013 by the VRAC in the administrative case No. I-4265-561/2013 (8 pages).

STAGE VI :

THE PROCESS OF APPEAL BEFORE THE COURT OF THE SECOND INSTANCE BY THE VILNIUS CITY MUNICIPALITY ADMINISTRATION

(SUPREME ADMINISTRATIVE COURT OF LITHUANIA)

1. The most significant events within the chronological timeline:

12 July 12 2013 – the appeal by the Vilnius City Municipality Administration with regards to the judgment by the Vilnius Regional Administrative Court in the administrative case No. I-4265-561/2013.

23 July 23 2013 – the judgment by the Supreme Administrative Court of Lithuania, rejecting the appeal by the Vilnius City Municipality Administration and upholding the judgment by the Vilnius Regional Administrative Court of 5 July 5 2013.

2. The description of significant milestones and arguments raised by disputing parties in the strategic litigation:

The appellant, i.e. the Vilnius City Municipality Administration, indicated in the appeal that the judgment by the VRAC is not justified; the following arguments were provided:

1. The Court claimed in an unjustified way that the participants in course of the public assembly will only pass by the buildings of the public institutions, outlined in Part 3 of Article 4 of the Law on Public Meetings, and that the public meeting will not take place in front of these buildings. The participants of the march are planning to finish the procession in the Lukiškės square, where the 30-meter rainbow flag will be displayed and the final speeches will be delivered. Therefore, in such case the abovementioned buildings will not be simply passed by – the participants in the march will actually gather in front of them. The appealed order was reasonably adopted on the grounds of Part 3 of Article 4 of the Law on Public Meetings.

2. The appellant, i.e. the public institution, while taking a decision with regards to location, time and form of the planned assembly, has considered all objective factors that might influence the potential threats for the participants in the march, the security of the society and the public order. The appellant has reasonably decided that in the course of organizing the march on Gedimino Avenue the security of the society and the public order will not be guaranteed and there will not be enough opportunities to secure the rights and freedom of the others as well.

3. The Court of the First Instance has judged in an unjustified way that if the march is organized on Gedimino Avenue, the balance between the human right and the public interest will be retained. The Court only considered the statements by the representatives of the Police Department, made in the course of a meeting between LGL and Vilnius City Municipality Administration on 26 June 2013, and did not rely on any documents or written sources, which might actually prove

that the public order is about to be adequately ensured. The Court should have included the Police Department as a Third party concerned in the proceedings in order to provide evidence in support of the legitimacy of the conclusions, arrived at by the Court.

4. The Court of the First Instance made the applicant's right to freedom of peaceful assembly absolute and did not solve the dispute between the parties by obliging the Municipality Administration to agree upon the location of the planned assembly on the Gedimino Avenue. The Court of the Second Instance should solve the dispute comprehensively. If the Court agrees that the appellant has unreasonably refused to agree upon location, time and form of the planned assembly, it should solve the question in essence instead of obliging the appellant to agree upon the specific location, proposed by the organizers of the event.

LGL justified its response for the Court of the Second Instance by providing the following arguments:

1. The application of Part 3 of Article 4 of the Law on Public Meetings in every individual case shall be interpreted through assessing whether the interference with the right to freedom of peaceful assembly seeks the legitimate aim and whether the limitation is proportional to the aims sought. LGL did not agree with the position of the appellant that the norm in question is imperative and therefore applicable in each case. Interpreting it in the context of the legitimate aim (i.e. public interest), the appellant contradicts itself. The VRAC, after considering the route of the organized assembly in relation to the context of Part 3 of Article 4 of the Law on Public Meetings, concluded that the interference with the right to freedom of peaceful assembly in relation to the public event, which is taking place on a non-working day, on the grounds of the legal provision, which seeks to ensure the smooth functioning of the public institutions, would be clearly disproportionate. Therefore the refusal to agree upon location, time and form of the public event on the grounds of Part 3 of Article 4 of the Law on Public Meetings in this particular case did not seek to pursue any legitimate aim and was not necessary in a democratic society.

2. Taken into account the facts that the Police Department had claimed to be capable of ensuring the security of the participants in the march and that the appellant did not provide any additional evidence about the potential threats, the statements by the appellant in relation to the security of the participants of the march should be interpreted as violating the *rus judicata* power of the previous legally binding judgment by the VRAC. The argument by the appellant that the actual threats exist for the security of the State or society, as well as for the public order, public health or morality or for the rights and freedom of the others has been already recognized as unjustified by the Court of the First Instance. The burden of proof with regards to the security of the participants in the course of the organized meeting cannot be attributed to the claimant, i.e. the appellant has a duty to prove by objective data (i.e. not by mere speculations) the legitimacy of the limitation of the right or the existence of any substantial threats.

3. The Police Department will bear the positive duty to ensure the security of the participants in the march no matter what is the final outcome of the legal dispute with regards to the location of the event. Taken into account that established facts in the valid judgment of the Court are not being challenged anew, there is no need to include the Police Department as a Third party concerned in the course of the current proceedings.

4. The opportunity by the claimant to exercise its constitutional right to freedom of peaceful assembly effectively must be guaranteed no matter the means employed in order to facilitate that exercise, i.e. either by obliging the Municipality Administration to agree upon the proposed location or by constituting the right to organize the march on the proposed location by the Court itself.

The Supreme Administrative Court of Lithuania rejected the appeal by the Vilnius City Municipality Administration on 23 July 2013 and upheld the decision by the Vilnius Regional Administrative Court of 5 July 2013 by providing the following arguments:

1. Despite the fact that the expected route of the organized march could be formally compared to the organization of a public meeting in front of the public institutions, the facts that the march is organized on a non-working day, i.e. on Saturday, and that the purpose of the organized meeting is completely unrelated to the scope of the functions of these institutions clearly indicate that the march in question will not affect the work of the aforementioned public institutions in any way. Therefore the interference with the right to freedom of peaceful assembly on the basis of Part 3 of Article 4 of the Law on Public Meetings in this particular case cannot be considered as pursuing a legitimate aim, i.e. to ensure smooth functioning of the public institutions. The appellant had no reasonable basis to refuse to agree upon location of the proposed assembly on the grounds of Part 3 of Article 4 of the Law on Public Meetings.

2. The individual administrative act shall be reasoned with objective data (i.e. facts), based on legal provisions and the applied measures shall be reasonable. The appellant had a duty to justify the validity and legality of the challenged order, i.e. it had to provide detailed and reasonable arguments, according to which it refused to agree upon the location of the planned assembly, and the Court has to assess the legality of such arguments. There is no data in this case, according to which it would be possible to conclude that it is impossible to ensure the security of society, public order and traffic if the march takes place on the location preferred by the claimant. It has to be noted that the representatives of the Police Department had not indicated that they cannot fulfill their obligations according to the Law on Public Meetings. The public institutions that supervise the organization of public assemblies cannot create additional obstacles in exercising the right to freedom of peaceful assembly through, *inter alia*, interpreting the organized meetings as potentially threatening. The declarative listing of the values, protected by the Constitution and the Convention, cannot be recognized as a reasonable justification for interfering with the right to freedom of peaceful assembly. Neither the hypothetical risk of violating public order, nor the hostility of the society can be considered as legitimate aims in interfering with the right to freedom of peaceful assembly. The expected threat for the protected values has to be real and based on substantiated factual evidence; the existence of the threat and its scope have to be proved by the subject, which is seeking to limit the exercise of the right. This obligation cannot be transferred to the individuals, who are seeking to exercise their right to freedom of peaceful assembly. In case every likelihood of tension or heated exchange of opinions among the opposing groups are considered to be the legitimate grounds for banning peaceful assemblies, it would take away the opportunity from the society to hear differing opinions of any kind that contradicts the sensitivity of the majoritarian opinion. In case the State has any information about the possible instances of

violence or the acts of illegal nature in the course of exercising the right to freedom of peaceful assembly, it should recourse to the criminal sanctions and should not ban the event instead. The individual right to exercise the right to freedom of peaceful assembly does not cease to exist due to the outbreak of violence or other illegal activities as long as the intentions and behavior of an individual remain peaceful. Otherwise the exercise of the right to freedom of peaceful assembly would be impossible. According to the opinion by the legislator, even the factual threat to the security of the state and society is not a sufficient ground in order to prohibit a public assembly – in that case it is required that additional security measures are being employed with the view of managing that threat. The exercise of the right to freedom of peaceful assembly may imply certain inconveniences for the third parties. The march in question is not exceptional in this regard. The organization of various events, including assemblies, in various places on Gedimino Avenue is a common practice. The intention by the claimant to organize the march on this location is not unusual or extraordinary. With regards to the proportionality of limitations, the Jury emphasizes the limited duration of the march in question – in case any inconveniences arise, they will be quite temporary. The data in the case file does not indicate that the participation in the march will be restricted, i.e. there is no basis to claim that only individuals, belonging to the specific social group, will be able to take part in the march, notwithstanding the fact that the purpose of the march is dedicated to the problems by the specific social group. Taken the above mentioned considerations into account, the refusal by the appellant to agree upon location of the march in question cannot be considered to be proportional.

3. The claimant has appealed against the individual act by the Vilnius City Municipality Administration, by which it is refused to agree upon the location of the organized assembly. The participation by the representatives of the Police Department, according to the provisions of the Law on Public Meetings, is necessary during the coordination meeting between the organizers and the municipal authorities. However, the Police Department does not adopt the executive orders and does not sign them. Therefore the appellant's request for the involvement of the Police Department into the case as the Third party concerned is rejected as unjustified.

4. In the course of solving this particular administrative case there is no need for the Court to take over the functions by the administrative subject and the Vilnius City Municipality Administration is obliged to issue the executive order with regards to the March for Equality according to the properly implemented legal requirements.

3. Results, achieved objectives, adopted decisions and formulated legally relevant precedents of the stage:

- The right to freedom of peaceful assembly cannot be restricted on the grounds of Part 3 of Article 4 of the Law on Public Meetings, if that restriction does not seek to ensure the smooth functioning of the public institutions.

- The right to freedom of peaceful assembly can be restricted only by providing substantiated factual evidence, which has to be provided by the subject, which is seeking to limit the exercise of the right. This obligation cannot be transferred to the individuals, who are seeking to exercise their right to freedom of peaceful assembly.

- The exercise of the right to freedom of peaceful assembly may imply certain inconven-

iences for the third parties and that circumstance does not constitute the legitimate aim for limiting the exercise of the right.

- In case the State has any information about the possible instances of violence or other acts of illegal nature in the course of exercising the right to freedom of peaceful assembly, it should recourse to the criminal sanctions and should not ban the event instead.

4. The most important documents of the stage:

- The appeal by the Vilnius City Municipality Administration with regards to the judgment by the Vilnius Regional Administrative Court in the administrative case No. I-4265-561/2013 of 12 July 2013 (7 pages, without annexes);
- The request by LGL to deal with the administrative case under the accelerated procedure of 12 July 2013 (3 pages, without annexes);
- The response by the LGL to the submitted appeal of 16 July 2013 (11 pages);
- The judgment by the Supreme Administrative Court of Lithuania of 23 July 2013 in the administrative case No. A⁸⁵⁸-2475/2013 (19 pages).